

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE JONES,

Plaintiff

v.

Case No. 2:15-11694

District Judge Mark A. Goldsmith

Magistrate Judge Anthony P. Patti

DAVID McCORMICK, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR DISCOVERY (DE 16)

Plaintiff, a state inmate who is proceeding without the assistance of counsel, initially filed his complaint and application to proceed without prepayment of fees in the Western District of Michigan. (DE 1.) The incidents described in his complaint relate to an attempted traffic stop and subsequent police chase, which ended with Plaintiff being tased, arrested, and put in jail. Plaintiff contends that Defendants' actions were unlawful, and he seeks monetary compensation and damages for pain and suffering and to account for his time in confinement. The matter was transferred to this Court on May 12, 2015 and Plaintiff's application was granted on June 9, 2015. All Defendants have been served and have appeared. The Court issued a scheduling order in this matter on August 19, 2015. (DE 17.)

On August 14, 2015, Plaintiff filed a document titled "motion for discovery and affidavit." (DE 16.) In his motion, he asks the Court to order Defendants to

provide all audio and video of the traffic stop and subsequent arrest described in his complaint. (DE 16 at 2.) Plaintiff does not indicate in his motion that he previously attempted to obtain these items from Defendants during the discovery process, and filed the motion to compel them to provide items that had been improperly withheld pursuant to Federal Rule of Civil Procedure 37.

Instead, he seems to have filed his discovery requests with the Court before serving them upon Defendants. Pursuant to Rule 5, requests for documents “must not be filed until they are used in the proceeding or the court orders filing” Fed. R. Civ. P. 5(d); *see also* E.D. Mich. LR 26.2. Accordingly, Plaintiff’s motion is **DENIED**. (DE 16.) In order to obtain such documents, Plaintiff must follow the discovery process outlined in the Federal Rules of Civil Procedure. Any further attempts to file discovery requests in violation of Rule 5 and Local Rule 26.2 will be **STRICKEN** from the Court’s docket.

IT IS SO ORDERED.

Dated: August 19, 2015

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on August 19, 2015, electronically and/or by U.S. Mail.

s/ Michael Williams
Case Manager for the
Honorable Anthony P. Patti